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08 MAY 20 PM 2:13
CLERK OF DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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W. SCOTT HARKONEN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

INTERMUNE, INC.,

Defendant.

AND RELATED CASES.

) Case No. 06-cr-00707 MHP

) Case No. 08-cr-00164 MHP ✓

) Case No. 08-cv-02376 EMC

) **HARKONEN'S STATEMENT OF**
) **NONOPPOSITION TO**
) **ADMINISTRATIVE MOTION TO**
) **CONSIDER WHETHER CASES SHOULD**
) **BE RELATED**

STATEMENT OF NONOPPOSITION

W. Scott Harkonen, a defendant in Case No. 08-cr-00164 MHP and Case No. 08-cv-02376 EMC, by and through his counsel, submits this Statement of Nonopposition to the Administrative Motion to Consider Whether Cases Should be Related, which was filed by Jarrett, Isenhower, and Frankel (the "Civil Plaintiffs") in Case No. 08-cv-02376 EMC and Case No. 08-cr-0707 MHP on May 9, 2008.

Harkonen hereby joins in the Civil Plaintiffs' request to consider the cases related and to transfer the later-filed case, Case NO. 08-cv-02376, to Judge Marilyn Hall Patel, who is the

///

1 judge assigned to the earlier filed cases.

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3 DATED: May 20, 2008

KASOWITZ BENSON TORRES & FRIEDMAN LLP

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5 By: 

6 WILLIAM M. GOODMAN

7 Attorneys for Defendant W. Scott Harkonen
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PROOF OF SERVICE

I, Beth A. Johnson declare that I am employed in the City of San Francisco, County of San Francisco, at the business address of 101 California Street, Suite 2050, San Francisco, California 94111. I am over the age of eighteen years and am not a party to this matter.

On May 20, 2008, I caused to be served the attached:

**HARKONEN'S STATEMENT OF NONOPPOSITION TO ADMINISTRATIVE
MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED**

on the following:

☐ **By Federal Express.** I served such envelope or package to be delivered on the same day to an authorized courier or driver authorized by Federal Express to receive documents, in an envelope or package designated by Federal Express.

☒ **By Mail.** (C.C.P. §1013a, 1015.5) I placed the above-documents in sealed envelope(s), with postage thereon fully prepaid, for collection and mailing at San Francisco, California, following ordinary business practices. I am readily familiar with the practices of Kasowitz, Benson, Torres and Friedman for processing of correspondence, said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for processing:

Ioana Petrou
United States Department of Justice
450 Golden Gate Avenue
Box 36055
San Francisco, California 94102

☐ **By Personal Service.** I caused the above documents to be delivered by hand to the addressee(s) noted above.

☐ **By Facsimile.** I caused the above documents to be served via facsimile electronic equipment transmission to the number indicated after the address(es) noted above.

Executed this 20th day of May, 2008


BETH A. JOHNSON